

Exhibit 23

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: [REDACTED]

[REDACTED]
Plaintiff,
vs.
MICHAEL ARPAIO and
THE CITADEL,
Defendants.

COPY

DE BENE ESSE DEPOSITION

OF

ANNA DALY

(VIDEOTAPED)

In Cary, North Carolina
June 26th, 2006 - 10:12 a.m.

Reported by:
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Direct

-46-

1 Whenever you became better friends with them, did
2 you call over there to their room a lot?

3 A: Yes, I did. At night, whenever I had -- if I had
4 night duty and -- because we were in the females
5 barracks, the other -- if I had night duty, the
6 other counselors were gone. So it got a little
7 boring.

8 And I would, you know, call over there at
9 night and -- just to see what they were doing. And
10 they were always there. They -- those two very
11 rarely went out. They were just kind of just
12 always in the room hanging out.

13 And when I did call over there and when I
14 did -- did talk to Rob or Mike, whoever answered
15 the phone, there were -- there were almost always
16 campers in the room.

17 Q: And you know -- okay.

18 A: You could hear them. They would talk -- they would
19 get on the phone with me and talk to me. I
20 don't -- for some reason, I'm -- I'm thinking that
21 the boys may have had a TV or a -- and maybe a
22 PlayStation or something in the room. So I think
23 that the kids were in there doing that a good bit.

24 Q: Either watching movies or playing video games?

Direct

-47-

1 A: Playing video games, yeah.

2 Q: Okay. And would sometimes you call over late at
3 night?

4 A: It was late at night because it was after the girls
5 had gone to bed.

6 Q: Okay. So it was sometimes after midnight, things
7 like that?

8 A: Yes.

9 Q: And when you'd call over, would you say -- was it
10 fair to say there were pretty much always kids in
11 the room?

12 A: I always heard other voices, and if -- if they were
13 not distinguishable as campers, then at other times
14 they would -- they'd get on the phone with me, "Oh,
15 you know" -- because I knew -- I knew the kids,
16 too, and, you know, they would get on the phone and
17 talk to me and -- you know.

18 Q: Okay.

19 A: Or -- or they would just outright say, "Well,
20 so-and-so's over here and so-and-so's over here,"
21 and it was usually campers.

22 Q: All right. Did you actually talk to some of the
23 campers, too, that told you that they were in the
24 room a lot?

Direct

-48-

1 A: Yes. They would tell you that they -- they stayed
2 in the room, or "We're going over to Mike's room,"
3 or -- but I just -- I didn't think anything of it,
4 didn't -- didn't even cross my mind that any --
5 that it was a negative thing.

6 Q: Okay. As you look back on it now, though, do you
7 have a feeling that the campers were actually
8 staying overnight or in the room all night?

9 MR. PELZER: Objection. Calls for
10 speculation. Out of her field of knowledge.

11 Q: Do you know if the campers were staying overnight?

12 A: They -- I had knowledge, and I had heard that they
13 were spending the night. But from what I can
14 remember, the ones that were staying the night
15 seemed to be the ones that were having problems
16 adjusting to being at the camp. So, again, it just
17 went back to my thinking that Mike is just playing
18 big brother.

19 Q: They were the more homesick kids?

20 A: Yes.

21 Q: The younger kids?

22 A: Yes.

23 Q: Okay. And did some of those kids actually tell you
24 they stayed in there overnight?

Direct

-49-

1 A: Yes.

2 Q: Okay. All right. Let's talk a little bit about
3 some of the other -- I know you said some of the
4 other policies were -- you did have an
5 understanding there wasn't supposed to be any
6 cussing or profanity --

7 A: Uh-huh (yes).

8 Q: -- used by the counselors around the campers or at
9 the campers?

10 A: Right.

11 Q: Was there, in fact, cussing and profanity used?

12 A: Yes.

13 Q: And was that pretty much on a daily basis?

14 A: Yes.

15 Q: Okay. And in terms of alcohol, was it your
16 understanding that some of the counselors drank in
17 their rooms on the campus?

18 A: Yes.

19 Q: Is that because they told you?

20 A: Yes.

21 Q: Okay.

22 MR. PELZER: And that's hearsay.

23 Q: Did you gain direct knowledge about that from them
24 telling you they did?

Direct

-60-

1 would you say that Mike had unsupervised access to
2 the -- to the kids when he was in camp?

3 A: Definitely.

4 Q: Okay. Let's talk about the trip that you took, you
5 tell me, sometime after sort of the end of the camp
6 session and then before the fall, going back to
7 college. You and Rob began to date?

8 A: Uh-huh (yes). Yes.

9 Q: Rob Lyons?

10 A: Yes.

11 Q: All right. And as part of getting to know him a
12 little better -- I know you were good friends, but
13 then y'all began to date. And did y'all plan a
14 trip to Emerald Isle?

15 A: Yes. He called me and asked me if I wanted --
16 he -- he told me that Mike and his roommate were
17 having a party one weekend, and he's, like, "Why
18 don't we go up there?" And I said okay, so we
19 went.

20 Q: Okay. All right. And it's my understanding that
21 at that time Mike Arpaio was -- he was also a
22 Marine?

23 A: Yes, he was.

24 Q: Okay. And he was living up there, stationed

Direct

-61-

1 somewhere close to Emerald Isle?

2 A: Yes, close to the beach. And he had -- he had a
3 roommate, which as far as I can remember was also a
4 Marine.

5 Q: Okay. And Emerald Isle being in North Carolina?

6 A: Yes.

7 Q: Somewhere close to the coast?

8 A: Yes.

9 Q: All right. And so Rob asked you to go, and y'all
10 went?

11 A: We went, and it wasn't exactly the party that I
12 expected. I kind of expected, you know, your
13 typical college party with lots and lots of people
14 there.

15 Q: Right.

16 A: It just didn't turn out -- turn out that way. And
17 there ended up being two campers there with Mike,
18 and, apparently, they had been with him all week
19 maybe and were staying with him for possibly
20 several weeks.

21 And it was my understanding that he --
22 maybe their parents were out of town and they -- I
23 remember one of the kids possibly being from [REDACTED]
24 and they were staying with Mike while their parents

Direct

-62-

1 were out of town.

2 Q: Okay. There's no question in your mind, though,
3 that these were kids that were campers?

4 A: Yes. I remember their faces. I remember that they
5 had -- you know, I had known them from -- from
6 summer camp.

7 Q: Okay. And is it -- and is -- and is there any
8 question in your mind that they were below the age
9 of 18?

10 A: Yes, they were under 18.

11 Q: Okay. Probably 15 or 16 or so?

12 A: Yes.

13 Q: Okay.

14 A: I remember them being older campers.

15 Q: Okay. Now -- and, again, I think you testified a
16 minute ago that -- that you expected it to be sort
17 of a big party?

18 A: Right.

19 Q: And, in fact, there weren't that many people there?

20 A: Right.

21 Q: Okay. And two of the people there were campers --

22 A: Yes.

23 Q: -- that were below the age of 18?

24 A: Yes.

Direct

-64-

1 or where you found these.

2 A: I always took a lot of pictures in -- in high
3 school and college. And I don't remember if -- you
4 know, if that roll of film had been on a -- my
5 camera or if it had been on a disposable camera.
6 But I know that everyone had kind of just -- had
7 taken random pictures that -- that weekend.

8 Q: Right.

9 A: And, you know, it was on a developed roll of mine.

10 Q: Okay. You just happened to have the roll and you
11 developed it --

12 A: Yes.

13 Q: -- at some point in time? So that's why you had
14 the pictures?

15 A: I've -- I've had those since -- since then, yes.

16 Q: Okay.

17 A: It wasn't anything recent.

18 Q: I got you. But you didn't -- you weren't the one
19 who took all the pictures?

20 A: Right.

21 Q: You just ended up having the roll of film?

22 A: Right. They were just -- they were taken randomly
23 by whoever picked up the camera.

24 Q: Okay. And -- but you recognize all these pictures

Direct

-66-

1 MR. PELZER: Before we get going, I'd
2 like to make objections to the introduction of
3 these photos into evidence both on relevance
4 grounds and as to prejudice.

5 MR. ELLIOTT: All right.

6 Q: (By Mr. Elliott) Okay. And, again, these -- this
7 is another picture that you remember taking at the
8 time when you were there?

9 A: Yes.

10 Q: All right. And do all these pictures accurately
11 depict what was going on at the time?

12 A: Yes.

13 Q: Okay. Just -- they were taken by someone there --

14 A: They weren't staged, if that's what you're asking.

15 Q: Right. They were taken by someone there during the
16 party?

17 A: Yes.

18 Q: Or during what was going on?

19 A: Right.

20 Q: All right. And this is what we've marked as No. 2,
21 and just kind of tell me who -- who's in this
22 picture.

23 A: This is Rob, and this is Mike. (Indicating.)

24 Q: All right. Now, you're pointing to Rob. He's the

Direct

-69-

1 it's a party.

2 Q: Right.

3 A: You know, just -- it was just weird. It was a

4 weird situation.

5 Q: And you were the only girl there?

6 A: I was the only girl there, which, you know, I did

7 not expect.

8 Q: Right. And you were still maybe 19?

9 A: Yes, 18, 19.

10 Q: Okay. And how old was Rob Lyons at the time,

11 approximately?

12 A: About 19.

13 Q: All right. And Arpaio, maybe a little older?

14 A: I don't -- I don't know how much older Mike is than

15 we were. It was several years.

16 Q: Okay. And at the time, you told me that the -- the

17 minors -- the kids there that were -- were

18 drinking, do you think they were intoxicated?

19 A: Oh, definitely.

20 Q: Okay. And they were running around with no clothes

21 on?

22 A: Uh-huh (yes).

23 Q: All right. And several of the pictures we have --

24 there's no frontal shots of the kids, thank God,

Direct

-70-

1 but there's -- you can tell they don't have any
2 clothes on.

3 A: Yes.

4 Q: All right. And these were taken at different --
5 different places within the house at different
6 times?

7 A: Yes.

8 MR. PELZER: I just want to make sure
9 that I'll have the same objection as to relevance
10 and prejudice to all of these photos.

11 MR. ELLIOTT: Okay.

12 [DEPOSITION EXHIBIT NO. 3 MARKED
13 FOR IDENTIFICATION]

14 Q: (By Mr. Elliott) There is a photograph here that
15 we'll mark as No. 3 that shows -- you tell me who
16 this is in this photograph.

17 A: This is Rob Lyons in the back, and right below him
18 is the -- the roommate. And this was the -- one of
19 the boys, the campers from 1998. (Indicating.)

20 Q: All right. And he's laying on the floor and
21 obviously has no clothes on?

22 A: Right.

23 Q: And Rob Lyons is the guy with his back against the
24 wall that just has shorts on and nothing else?

Direct

-71-

- 1 A: Right.
- 2 Q: And then this other guy with this
- 3 camouflage-looking shirt on is the military
- 4 roommate?
- 5 A: Yes.
- 6 Q: Okay. Did anything unusual happen while -- during
- 7 that -- that first night?
- 8 A: I wasn't in the room when that picture was taken.
- 9 The boys were running around the house naked, and I
- 10 remember trying to open one of the doors, because
- 11 they were all in one room and I was out in the
- 12 hallway or something.
- 13 And I remember Rob, like, closing the
- 14 door on me so that I couldn't open the door. I
- 15 do --
- 16 Q: To -- to get into where they were?
- 17 A: Yes. And I thought that was -- I didn't know
- 18 that -- I don't know -- I don't know what was going
- 19 on. It was -- it was definitely odd.
- 20 Q: And looking back on it now, is it even more odd?
- 21 A: Definitely.
- 22 Q: Okay. And then there's another shot here --
- 23 A: I'll go ahead and make this statement.
- 24 Q: Okay.

Direct

-73-

1 Q: Can you tell me what their names were, the cousins?

2 A: I don't remember.

3 Q: Okay.

4 A: It was two -- two boys.

5 [DEPOSITION EXHIBIT NO. 4 MARKED

6 FOR IDENTIFICATION]

7 Q: All right. Now, I'm going to mark this next one as
8 No. 4, and tell me what that's a picture of.

9 A: That's another picture of the naked camper.

10 Q: Laying on the floor?

11 A: Yes.

12 Q: Okay. And that was during the same time period?

13 A: Yes.

14 Q: Same night or --

15 A: Yeah, same night.

16 [DEPOSITION EXHIBIT NO. 5 MARKED

17 FOR IDENTIFICATION]

18 Q: Okay. And then this last picture we'll mark as 5.

19 A: And --

20 Q: And tell me who this is.

21 A: That was the other camper in the bathtub with no
22 clothes on. And I think -- from what I can
23 remember, I think Mike was trying to sober him up
24 or something and get him in the bathtub, something